

**CHAITMAN LLP**  
**465 PARK AVENUE**  
**NEW YORK, NY 10022**  
**(888) 759-1114**  
TELEPHONE & FAX

*HELEN DAVIS CHAITMAN*  
*hchaitman@chaitmanllp.com*

June 3, 2016

**BY ECF and E-mail**

The Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, New York 10004-1408

**Re: *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789-SMB**

Dear Judge Bernstein:

I write in response to the letter from Baker & Hostetler of today's date, relating to the Trustee's desire to depose Mr. Blecker. As Your Honor knows, Mr. Blecker was deposed on July 1, 2014. The Trustee's counsel, of course, attended that deposition and had every opportunity to question Mr. Blecker but, for some incomprehensible reason, chose not to. It is now two years later; Mr. Blecker is 104 years old; and until May 27, 2016, the Trustee never took the position that he needed another deposition of Mr. Blecker. While the Court extended the fact discovery period, the Court did so in order to allow the Trustee to develop a factual basis for the Trustee's treatment of profit withdrawals through the testimony of former Madoff employees who handled the withdrawals. The Court, at no time, indicated that it was extending the discovery period to allow the Trustee to re-depose Mr. Blecker.

As I explained to Seanna Brown, Mr. Blecker is now 104 years old. He will be celebrating his 105<sup>th</sup> birthday on June 30, 2016. Imposing on Mr. Blecker the stress of a deposition could well end his life. Whatever the Trustee's motives and purposes may be, they cannot justify exposing Mr. Blecker to this risk.

As to Ms. Brown's request that we be barred from relying upon Mr. Blecker's deposition transcript at the evidentiary hearing on the profit withdrawal issue, the Trustee is not entitled to that relief. If Mr. Blecker is unable to appear to testify, we are entitled to rely upon his deposition.

Yours respectfully,

/s/ Helen Davis Chaitman

Helen Davis Chaitman

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cc: *(by ECF and Em-mail)*  
David Sheehan (*dsheehan@bakerlaw.com*)  
Seanna R. Brown (*sbrown@bakerlaw.com*)  
Amy E. Vanderwal (*avanderwal@bakerlaw.com*)